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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Athena CHRISTODOULOU et al.

Title: ESTABLISHMENT OF NETWORK CONNECTIONS

Appl. No.: 10/629,598

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Examiner: Uzma Alam

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APPEAL BRIEF UNDER 37 C.F.R. 41.37(c)

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir

This Appeal Brief is being filed under the provisions of 37 C.F.R. § 41.37 in response to the Notification of Non-Compliant Appeal Brief mailed July 3, 2007

It is believed that an extension of time is not required. However, if any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 08-2025.

1. REAL PARTIES IN INTEREST

The real party in interest is the assignee of record, Hewlett-Packard Development Company, L.P.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to appellant, the assignees, or appellant's patent representative. Because there are no related appeals or interferences, there is no Related Proceedings Appendix.

3. STATUS OF CLAIMS

The present appeal is an appeal of claims 1, 3-6, 8-10, 12-20 and 22-33, i.e., all of the presently pending claims in this application which were rejected. Claims 2, 7, 11, and 21 were cancelled. Note that there appears to be a typo in the October 13, 2006 amendment that both lists claim 20 as amended and pending and also cancelled. It was claim 21 that was cancelled, as clearly shown in the status identifiers for the claims in that amendment, which lists claim 20 as being currently amended and claim 21 as cancelled. Claim 20 is intended to be pending and it appears that the examiner has in fact considered claim 20 in his office action. This is further reiterated in the Claims Appendix that accompanied the Appeal Brief filed on May 25, 2007.

4. STATUS OF THE AMENDMENTS

The Amendment dated October 13, 2006 was entered by the examiner.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The invention defined in the claims relates to sending a client a copy of a first web page and a plurality of links, each of which points to an address within the internet on one or more servers on which a copy of that web page is hosted, then actuating the links in a predetermined order established prior to dispatch to the client. In one embodiment, by actuating the links in a predetermined order, it is possible for the party sending out the links to balance the load on the various servers to which the links point statistically.

The invention is illustrated in one embodiment in Figs. 9 and 10. The citations to text basis in the specification for claim 1 is shown below.

1. A method of providing a sub-page of a website to a requesting client comprising the steps of:

(a) "Sending to the client, with a copy of a first web page, a plurality of links each of which points to an address within the Internet of a server on which a copy of the sub-page is hosted;" is described in one embodiment in Fig. 2 and page 5, lines 4-10.

(b) "Actuating one of the links" is described at page 8, lines 12-26 and page 6, lines 12-17.

(c) "Determining, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;" Is described in one embodiment in Figs. 9, 10 and page 10, lines 6 – page 11.

(d) "If not, actuating another of the links; and" Is described at page 10, line 9-15 and page 11, lines 9-14.

repeating steps (c) and (d) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion; Is described at page 10, lines 10-19 and page 11, lines 9-14.

wherein the links are actuated in a predetermined order established prior to dispatch to the client" Is described at page 8, lines 4-15 and page 10, lines 21-35.

10. A method of operating a web server to provide a sub-page of a website to a requesting client, comprising the steps of:

receiving from a client a request for a first web page; See Page 4, line 14

sending to the client, with the first page, a plurality of links each of which points to an address within the Internet of a server hosting a copy of the sub-page, and code which is executable to: See Fig. 2 and page 5, lines 4-10.

(a) actuate one of the links; See page 8, lines 12-26 and page 6, lines 12-17.

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page; Is described in one embodiment in Figs. 9, 10 and page 10, lines 6 – page 11.

(c) if not, actuating another of the links; Is described at page 10, line 9-15 and page 11, lines 9-14. and

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion; Is described at page 10, lines 10-19 and page 11, lines 9-14.

wherein the links are actuated in a predetermined order established prior to dispatch from the web server. Is described at page 8, lines 4-15 and page 10, lines 21-35.

20. A web server adapted to respond to a request from a client by sending to the client a copy of a first web page and to include with the first web page a plurality of links each of which points to an address within the Internet, each predetermined address being an address of a different secondary server, the web server being adapted to send with the first web page, in response to said request code executable to:

(a) actuate one of the links; See page 8, lines 12-26 and page 6, lines 12-17.

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page; Is described in one embodiment in Figs. 9, 10 and page 10, lines 6 – page 11.

(c) if not, actuating another of the links; and Is described at page 10, line 9-15 and page 11, lines 9-14.

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the

predetermined criterion; Is described at page 10, lines 10-19 and page 11, lines 9-14.

wherein the links are actuated in a predetermined order established prior to dispatch from the client. Is described at page 8, lines 4-15 and page 10, lines 21-35.

22. A web page including a plurality of links each of which points to an address within the Internet of a server on which a copy of a sub-page is hosted, the page including code associated therewith which is actuatable to:

(a) actuate one of the links;

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;

(c) if not, actuating another of the links; and Is described at page 10, line 9-15 and page 11, lines 9-14.

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion; Is described at page 10, lines 10-19 and page 11, lines 9-14.

wherein the links are actuated in a predetermined order established prior to dispatch from the client. Is described at page 8, lines 4-15 and page 10, lines 21-35.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issue on appeal is whether the Examiner erred in rejecting claims 1, 3-6, 8-10, 12-20, and 22-33 under 35 USC 102 (e) as being anticipated by Bates et al. (U.S. Patent No. 6,751,777).

7. ARGUMENT

Group 1: Claims 1, 10, 20, 22, were rejected under 35 USC 102 as anticipated by Bates (US 6,751,777). This rejection is respectfully traversed and reconsideration thereof is requested.

The Office Action dated 12/29/06 cites Fig. 11 of Bates as anticipating the invention in claim 1. Fig. 11 and the accompanying text at column 14, describes a chronological set of links, wherein each Bookmark link or hypertext link has contained in the link recitation itself a “chronological criteria that must be met prior to selecting the target” to which to send any HTTP request to access a document. See column 11, lines 22-23. Accordingly, each link in the grouping is selected, the chronological criteria is extracted from the link, and a determination is made whether that chronological criteria data meets the chronological requirement set for access and downloading. See block 264 in Fig. 11 of Bates et al. If the answer is NO, then the flow diagram goes back via block 266 to block 260 where the next Bookmark or hypertext link is obtained and the chronological criteria extracted for comparison. See col. 14, lines 17-39 of Bates et al., as follows:

To implement a chronological link, typically one or more of the targets therefor must have associated therewith a chronological criteria. For a bookmark implementation, this type of link may require an additional field in each URL record specifying the chronological criteria that must be met prior to selecting the target. For a hypertext link implementation, such information may be embedded within a tag, e.g., as an additional field. Each target for a multi-target link may have associated therewith a chronological criteria, or in the alternative, one or more targets may have no chronological criteria associated therewith, whereby one or more of such targets would function as a default target.

Routine 144 begins in block 260 by retrieving the next URL from the link, starting with the first URL therefor. Next, in block 262, it is determined whether a chronological criteria is associated with the URL. If so, control passes to block 264 to determine whether the current time and/or date meet the criteria for the URL. In an alternate embodiment, if the update time of a document is compared with a chronological criteria, block 264 would be replaced by a retrieval of the update information for the URL, followed by comparing such update information with the predetermined criteria. (Emphasis added.)

Thus, there is no actuation in Bates et al. to download the document at the given URL until the chronological criteria is compared and met, i.e., an HTTP request is not dispatched in order to access the document or other service until this criterion is met. Accordingly, the claim language (b) actuating one of the links; (c) determining, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page; (d) if not, actuating another of the links; and repeating steps (c) and (d) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion; wherein the links are actuated in a predetermined order established prior to dispatch to the client" is not met.

The claim language requires that each link be actuated—an HTTP request is dispatched "in a predetermined order established prior to dispatch." Each independent claim has this limitation. This is not met by a reference that does not know the order of dispatch until the chronological criteria are compared and met. Note that by actuating the links in a predetermined order as is done in the claims, it is possible for the party sending out the links to balance statistically the load on the various servers to which the links point.

The examiner cites col. 14, lines 44-55, which describes that if the current date and/or time recited in the given bookmark or hypertext link recitation meets the chronological criteria, then control passes to block 268 and an HTTP request is dispatched to retrieve the document. But, this text in Bates et al. simply clarifies what is described above, namely that each bookmark link or hypertext link is NOT actuated in a "predetermined order established prior to dispatch to the client." Rather, a set of bookmark link recitations are reviewed in Bates and an order of actuation is determined in the process of the review of the chronological criteria recited in the link (there is no pre-established order). In the case where the date and/or time recited in a first bookmark link recitation to be reviewed is determined to meet the chronological requirement, there is still no pre-established order of actuation. It was not known which bookmark to actuate first until the chronological criteria has been extracted from the bookmark recitation and logically compared to the required criterion.

Accordingly, for the reasons stated above, the claims of Group 1 are patentable over the Bates et al. section 102 rejection, as well as any section 103 rejection that might be applied in the future.

Group 2: Claims 8, 9, 15, 16 further define the predetermined criterion, namely “whether, within a predetermined period of time, a predetermined step in a process of establishing connection with a secondary server has been reached.” This criterion is not taught by Bates et al. The examiner cites column 14, lines 8-15 as meeting this limitation. However, this citation relates to the chronological criteria used for selecting the order to access the bookmarks. The date and/or time refer to the date and/or time the particular document or instance of that document was created or updated. It has nothing to do with the time required to physically “establish connection with a secondary server.” Thus, this claim is allowable for the reasons set forth for claim 1 and for this additional reason.

Group 3: Claim 19 regarding no replication are not met by Bates et al. The citation by the examiner does not teach this concept of non-replication.

8. SUMMARY

For the foregoing reasons, it is submitted that the examiner’s rejection are erroneous, and reversal of the applied rejections is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025.

Respectfully submitted,

By 

Date: August 2, 2007

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CLAIMS APPENDIX

1. A method of providing a sub-page of a website to a requesting client comprising the steps of:
 - (a) sending to the client, with a copy of a first web page, a plurality of links each of which points to an address within the Internet of a server on which a copy of the sub-page is hosted;
 - (b) actuating one of the links;
 - (c) determining, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;
 - (d) if not, actuating another of the links; andrepeating steps (c) and (d) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion;
wherein the links are actuated in a predetermined order established prior to dispatch to the client.
2. (Cancelled).
3. A method according to claim 1, further comprising the step of displaying an alias for each actuated link at the client.
4. A method according to claim 3, wherein the alias is an address of a server adapted to translate the alias to an address of a server hosting a copy of the sub-page.
5. A method according to claim 3, wherein the alias is displayed on a graphical user interface of a program running on the client which is adapted to enable user navigation of the internet.

6. A method according to claim 3, wherein the alias displayed is the same for each of the links actuated.

8. A method according to claim 1, wherein the predetermined criterion is whether, within a predetermined period of time, a predetermined step in a process of establishing connection with a secondary server has been reached.

9. A method according to claim 8, wherein the predetermined step is completion of a connection with a secondary server.

10. A method of operating a web server to provide a sub-page of a website to a requesting client, comprising the steps of:

receiving from a client a request for a first web page;

sending to the client, with the first page, a plurality of links each of which points to an address within the Internet of a server hosting a copy of the sub-page, and code which is executable to:

(a) actuate one of the links;

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;

(c) if not, actuating another of the links; and

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion;

wherein the links are actuated in a predetermined order established prior to dispatch from the web server.

11. (Cancelled).

12. A method according to claim 11, wherein code is additionally sent to the client with the first web page which is operable upon actuation of a link, to cause a browser programme to display an alias of the address of a secondary server to which an actuated link points.
13. A method according to claim 12, wherein the alias is an address of a server adapted to translate the alias to an address of one of the secondary servers.
14. A method according to claim 12, wherein the alias displayed is the same for each of the links actuated.
15. A method according to claim 10, wherein the predetermined criterion is whether, within a predetermined period of time, a predetermined step in a process of establishing connection with a secondary server has been reached.
16. A method according to claim 15, wherein the predetermined step is completion of a connection with a secondary server.
17. A method according to claim 11, wherein where the same links are sent to different clients, the predetermined order in which the links are actuated is varied.
18. A method according to claim 11, wherein the plurality of links sent to a first client machine and the plurality of links sent to a second client machine are different at least in respect of one address of a server hosting the sub-page.
19. A method according to claim 18, wherein each link in the plurality of links sent to a first client points to an address of a server which is not replicated in any of the plurality of links sent to a second client.
20. A web server adapted to respond to a request from a client by sending to the client a copy of a first web page and to include with the first web page a plurality of links each of which points to an address within the Internet, each predetermined address being an address of a different secondary server, the web server being adapted to send with the first web page, in response to said request code executable to:

(a) actuate one of the links;

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;

(c) if not, actuating another of the links; and

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion;

wherein the links are actuated in a predetermined order established prior to dispatch from the client.

21. (Cancelled).

22. A web page including a plurality of links each of which points to an address within the Internet of a server on which a copy of a sub-page is hosted, the page including code associated therewith which is actuatable to:

(a) actuate one of the links;

(b) determine, on the basis of a predetermined criterion, whether actuation of said one of the links has been successful in obtaining the sub-page;

(c) if not, actuating another of the links; and

repeating steps (b) and (c) until the first to occur of: all of the links have been actuated; and actuation of a link has been successful in accordance with the predetermined criterion;

wherein the links are actuated in a predetermined order established prior to dispatch from the client.

23. A method according to claim 1, wherein the order is random, but predetermined.

24. A method according to claim 1, wherein the order is selected.

25. A method according to claim 1, wherein each of a plurality of the links to the sub-page is to a different server.
26. A method according to claim 10, wherein the order is random, but predetermined.
27. A method according to claim 10, wherein the order is selected.
28. A method according to claim 10, wherein each of a plurality of the links to the sub-page is to a different server.
29. A web server according to claim 20, wherein the order is random, but predetermined.
30. A web server according to claim 20, wherein the order is selected.
31. A web server according to claim 22, wherein the order is random, but predetermined.
32. A web server according to claim 22, wherein the order is selected.
33. A web server according to claim 22, wherein each of a plurality of the links to the sub-page is to a different server.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.